

three judges in each circuit, unless one of the judges is to be judge of the orphans' court in each county. I suppose in any system of one judge to each county, that judge will have jurisdiction over the orphans' court, either entirely or to a great extent. So far as I am concerned I am opposed to any change whatever in the orphans' court. I am opposed to substituting any system of judges of probate in the place of the present orphans' court system. I shall cast my vote with reference to this thing. I shall not cast my vote for any system which vests in the judge of the county jurisdiction over the orphans' court.

I am not going to argue that. I say that the orphans' court system has stood longer than any other system in the State. There is no popular movement against it. It is a system eminently popular in its character.—Gentlemen talk about being unwilling to take the election of judges away from the people. There is no system in the State which more nearly concerns the people, or in which they feel more interest; and I really believe the orphans' court system is more popular than any other system in the State.

I know that a great many lawyers look down upon it as a lay court; but for that very reason the great mass of the people prize it. It is a system involving the personal property of the State, and which has been in existence from the establishment of the testamentary act down to the present day; and there has never been a dollar stolen or wasted. I do not believe any other system has worked better. They have a probate system in New York; and it is neither as honest nor as well managed as the system in Maryland. If I am not mistaken some of the most eminent lawyers in other States have expressed their approbation of the testamentary act of Maryland as the most complete testamentary system that exists in the United States.

It seems to me that we ought to take some action upon this report, to establish these general principles. Let us know whether the convention intends to alter the orphans' court system; let us know what tenure the judges are going to have; and after we have done that, we can more easily come to some conclusion with regard to the circuits. For manifestly, if there is to be one judge, as my friend from Allegany proposes, in three counties, or in two counties, that judge cannot preside over the orphans' court. It is perfectly impossible. If you have one judge in each county, he can administer the orphans' court; but I should like to have it explained how a judge of three counties can attend to or administer the functions of judge of the orphans' court.

Mr. DANIEL. I agree in part with my colleague as I understood him, as to the propriety of voting upon these questions at once. I should be sorry to have it postponed until Tuesday.

The PRESIDENT. The motion to postpone was withdrawn.

Mr. SMITH, of Carroll. I renew it; I move to postpone it until Tuesday next, at 12 o'clock.

Mr. DANIEL. I was going to say that we have a very full house to-day, some seventy members here, and as my colleague suggests, there are certain principal features about this report which pretty much all the members I think have thought more or less about; and I think, as suggested by the gentleman from Howard, we might have a sort of experience meeting, to hear what members think about it, just as well now as at any other time; because this thing will all have to be gone over again. I am for a short session, and I presume every member wants to get away from here and hasten home as soon as possible. But there are matters before us that members have thought of, and we can as well discuss now, while here in a full house, as at any other time. If we put it off three or four days, I think we shall be losing valuable time. We have just determined to adjourn over the night session to night as well as tomorrow. There are seventy or more members present to-day, and I look upon this proposition to postpone until Tuesday, as about effectually losing this day. Therefore I think we would better go into the discussion of this question. If we do anything wrong or hastily, we have a right to reconsider; and if we do it right we shall not have to go over it again. I think it would be better to save all the time we can, by going on with this discussion at once.

Mr. STOCKBRIDGE. I would suggest that half past ten o'clock would be better than twelve; for there would be as many members present at that hour as at 12 o'clock.

Mr. SMITH, of Carroll, modified his motion accordingly.

The motion to postpone the further consideration of the report until Tuesday next at half past ten o'clock, was agreed to—ayes 48, noes not counted.

On motion of Mr. BELT,

All the proposed amendments to the report were ordered to be printed in bill form.

THE DRAFT.

On motion of Mr. BERRY, of Pr. George's, The following order submitted by him on yesterday, was taken up:

"Ordered, That a committee of three be appointed by the President to correspond with the proper authorities, and furnish this convention with the number of recruits, both white and black, which have been received into the service of the United States, from the several counties of the State, and the city of Baltimore, and also the number credited to the said counties and city respectively."